IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 7817 of 1991

For Approval and Signature:

Hon'ble MR.JUSTICE R.K.ABICHANDANI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

PATEL BHARTIBEN LALJIBHAI

Versus

HON'BLE CHIEF METROPOLITAN MAGISTRATE

Appearance:

MR DEVANG D. TRIVEDI for MR KILLOL V. SHELAT
Advocate for Petitioner
MS D.S. PANDIT, ASSTT. GOVT. PLEADER for
Respondent No. 1
M/S PATEL ADVOCATES for Respondent No. 2

CORAM : MR.JUSTICE R.K.ABICHANDANI

Date of decision: 01/09/2000

ORAL JUDGEMENT

The petitioner seeks to challenge her non-inclusion in the select list of Clerks. The

allegation of the petitioner is that when the select list was proposed by the Chief Metropolitan Magistrate, she had topped the list but when it was finalised by the High Court, her name was "illegally and unauthorisedly removed".

It appears that the petitioner did not care to make any representation to the High Court at the relevant time and has straight-away filed the petition. It is a settled legal position that before seeking Mandamus, a demand should be made, which the petitioner did not make. There is no reason to infer that the petitioner's name was wrongly not placed in the select list. It was not necessary to inform the petitioner who was not in the final select list, about the reasons for her not being included in the select list, especially when no such information was sought. The petition therefore cannot be entertained. Rule is discharged with no order as to costs. It will however, be open for the petitioner to approach the High Court on its administrative side.

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